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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION
18

19 EPIDEMIC SOUND, AB,
20 Plaintiff,
21 vs.
22 META PLATFORMS, INC., f/k/a FACEBOOK,
23 INC.,
24 Defendant.

CASE NO. 3:22-cv-04223-JSC

**STIPULATION AND [PROPOSED]
ORDER TEMPORARILY VACATING
CASE DEADLINES**

The Honorable Jacqueline Scott Corley

1 Pursuant to Civil Local Rules 6-1(b) and 6-2, IT IS HEREBY STIPULATED AND
2 AGREED, by and among Plaintiff Epidemic Sound, AB (“Plaintiff”) and Defendant Meta
3 Platforms, Inc. f/k/a Facebook, Inc. (“Defendant”), by and through their respective counsel of
4 Record (together, the “Parties”), as follows:

5 1. WHEREAS, on July 5, 2023, the Court continued the fact-discovery cut-off by 60
6 days to October 30, 2023, and stated that the Court would “revisit case deadlines at the August 31
7 conference and the parties’ joint statement should as well” (the “July 5 Order”) (Dkt. No. 101 at
8 2-3);

9 2. WHEREAS, the Court did not address the case schedule at the August 31, 2023
10 case management conference (*see* Dkt. No. 110; Dkt. No. 111);

11 3. WHEREAS, the Parties have been ordered to appear in person on October 3, 2023
12 to “work through obtaining the discovery they need to file dispositive motions regarding liability
13 on the 10 initial works” (Dkt. No. 111);

14 4. WHEREAS, under the current schedule as continued by the July 5 Order, deadlines
15 governing expert discovery were not expressly continued, and thus, the deadline for opening expert
16 witness disclosures and reports appears that it may remain as September 19, 2023 (Dkt. No. 44);

17 5. WHEREAS, under the current schedule as continued by the July 5 Order, certain
18 interim fact discovery deadlines were not expressly continued, and thus, the deadline to notice all
19 depositions and to serve all written discovery appears that it may remain as September 29, 2023
20 (i.e., 30 days before the current fact discovery cut-off (Dkt. No. 44; Fed. R. Civ. P. 30, 33, 34,
21 36));

22 6. WHEREAS, the Parties believe that a continuance of these and other case deadlines
23 is necessary given the Court’s extension to the fact discovery deadline (*see* Dkt. No. 101 at 2-3),
24 the October 3, 2023 discovery meet and confer and evidentiary hearing, and the Court’s proposal
25 to have the Parties “file dispositive motions regarding liability on the 10 initial works” before
26 proceeding with the remainder of Plaintiff’s claims (*see* Dkt. No. 111);

27 7. WHEREAS, the Parties will be prepared to address an amended case management
28 schedule at or following the October 3, 2023 conference;

8. WHEREAS, pursuant to Civil L.R. 6-2(a)(2), there have been only three other time modifications in this case: (1) an extension of time for Defendant to respond to the Complaint (Dkt. No. 27), (2) an extension to the Parties' briefing schedule on Defendant's motion to dismiss (Dkt. No. 34), and (3) a 60-day continuance of the fact discovery cut-off (Dkt. No. 101 at 3);

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff and Defendant, through their undersigned counsel of record, and subject to the approval of the Court, that all upcoming deadlines set forth in Pretrial Order No. 1, as extended by the Court's July 5 Order, shall be temporarily vacated until such time that the Court enters an amended case schedule.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: September 13, 2023

/s/ Ilene S. Farkas

Counsel for Plaintiff

Dated: September 13, 2023

/s/ Brittany N. Lovejoy

Counsel for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2023

HON. JACQUELINE SCOTT CORLEY
U.S. District Court Judge

ATTESTATION

Pursuant to Civil Local Rule 5-1(h)(3), I attest that all other signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.

Dated: September 13, 2023

/s/ Brittany N. Lovejoy
Brittany N. Lovejoy
LATHAM & WATKINS LLP
Attorney for Meta Platforms, Inc.